

OCT 09 2007

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07/12/2007

WILMER CUTLER PICKERING HALE AND DORR LLP  
399 PARK AVENUE  
NEW YORK, NY 10022

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Ira H. Donner	#35,120	(Depositor's name)
<i>Ira H. Donner</i>		(Signature)
10/12/07		(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/696,765

10/25/2000

Bob Lemouroux

W0001-006001

3130

TITLE OF INVENTION: ELECTRONIC SALES SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$0	\$700	10/12/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
BUCHANAN, CHRISTOPHER R	3627	705-034000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  
 Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
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2. For printing on the patent front page, list  
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Ira H. Donner  
2 Wilmer Cutler Pickering  
3 Hale and Dorr LLP

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Thomson Financial Inc.

New York, NY

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

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## 5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  
 b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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Authorized Signature

*Ira H. Donner*

Date

10/12/07

Typed or printed name

Ira H. Donner

Registration No.

35,120

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## FAX TRANSMISSION

DATE: 10/2/07

PTO IDENTIFIER: Application Number 09/696,765-Conf. #3130  
Patent Number

Inventor: John B. CONSTANTINE et al.

MESSAGE TO: Office of Patent Publication

FAX NUMBER: (571) 273-2885

FROM: WILMER CUTLER PICKERING HALE AND DORR LLP

Irah H. Donner

PHONE: (212) 230-8800

Attorney Dkt. #: 0026119.0136DUS1

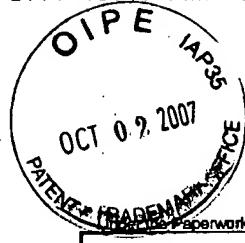
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Response to Examiner's Reasons for Allowance (3 pages)

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PTO/SB/97 (08-04)

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Application No. (if known): 09/096,765

Attorney Docket No.: 0026119.0136DUS1

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Response to Examiner's Reasons for Allowance (3 pages)



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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

5

Application Number

09/696,765-Conf. #3130

Filing Date

October 25, 2000

First Named Inventor

John B. CONSTANTINE

Art Unit

3627

Examiner Name

C. R. Buchanan

Attorney Docket Number

0026119.0136DUS1

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Issue Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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Remarks		
Response to Examiner's Reasons for Allowance		

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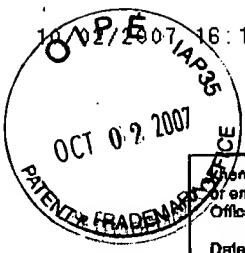
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(Ira H. Donner)



10/2/2007 16:11 FAX 212 230 8888

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(Irah H. Donner)

Docket No.: 0026119.0136DUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: J. B. CONSTANTINE et al. Confirmation No.: 3130  
Application No.: 09/696,765 Art Unit: 3627  
Filed: October 25, 2000 Examiner: C. R. Buchanan  
Title: ELECTRONIC SALES SYSTEM

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO EXAMINER'S REASONS FOR ALLOWANCE**

Dear Sir:

Applicants substantially agree with the Examiner's reasons for allowance in the Office Action, subject to the comments herein. Applicants would like to emphasize, and assumes that the Examiner intended to so state, that the combination of elements in each of the allowed claims, independent and dependent, are patentably distinguishable over the prior art when each claim is interpreted as a whole.

Applicants provide no opinion with respect to interpreting the references cited by the Examiner, and therefore, do not concede to the Examiner's interpretation of same, as permitted under 37 C.F.R. Section 1.104(e), particularly since the Examiner does not respond to an Applicant's Response to Reasons for Allowance. Applicants would like to clarify that the only interpretation that the Applicants will accept or agree with is the interpretation that one of ordinary skill in the art would understand from the prior art references.

0382868



Application No.: 09/696,765

Docket No.: 26119.136DUS1

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, the Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, the Applicants are providing examples of why the claims described above are distinguishable over the cited prior art.

Applicants wish to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, the Applicants reserve the right to pursue the original subject matter recited in the present claims in a continuation application.

Further, the Applicants hereby retract any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintains the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, the Applicants specifically retract statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely the Applicants' best attempt at providing one or more definitions of what the Applicants believe to be suitable patent protection. In addition, the present claims provide the intended scope of protection that the Applicants are seeking for this application. Therefore,

Application No.: 09/696,765

Docket No.: 26119.136DUS1

no estoppel should be presumed, and the Applicants claims are intended to include a scope of protection under the Doctrine of Equivalents.

Respectfully submitted,

Dated: 10/2/07

  
\_\_\_\_\_  
Irah H. Donner  
Registration No.: 35,120  
Attorney for Applicant(s)

Wilmer Cutler Pickering Hale and Dorr LLP  
399 Park Avenue  
New York, New York 10022  
(212) 230-8800 (telephone)  
(212) 230-8888 (facsimile)